

## Message Text

CONFIDENTIAL

PAGE 01 BONN 07810 01 OF 02 141909Z

53

ACTION EUR-12

INFO OCT-01 ISO-00 EURE-00 IO-10 CIAE-00 DODE-00 PM-03

H-02 INR-07 L-02 NSAE-00 NSC-05 PA-01 PRS-01 SP-02

SS-15 USIA-06 ACDA-05 SAJ-01 /073 W

----- 017397

P R 141848Z MAY 75

FM AMEMBASSY BONN

TO SECSTATE WASHDC PRIORITY 0078

INFO USMISSION USBERLIN

AMEMBASSY BERLIN

AMEMBASSY LONDON

AMEMBASSY PARIS

USMISSION NATO BRUSSELS

C O N F I D E N T I A L SECTION 01 OF 02 BONN 07810

E.O. 11652: GDS

TAGS: PGOV, PFOR, WB, UR, US, UK, FR GW

SUBJECT: SOVIET COMPLAINT ABOUT FRG ACTIVITIES IN BERLIN

REF: A) BONN 5948; B) BONN 5750; C) STATE 77578

SUMMARY: BONN GROUP HAS REACHED AD REF AGREEMENT FOR RECOMMENDATION TO AUTHORITIES OF REPLY TO SOVIET APRIL 4 COMPLAINTS IN ALLIED CAPITALS REGARDING FRG ACTIONS IN THE LORENZ CASE. PARIS WILL USE TEXT ONLY IF SOVIETS RETURN TO MATTER WITH FRENCH, WHILE LONDON WILL USE TEXT FOR ORAL REPLY WITH NO COPY AS NON-PAPER HANDED OVER. RECOMMEND DEPARTMENT APPROVE TEXT GIVEN BELOW FOR REPLY TO SOVIET DEMARCHE. END SUMMARY.

1. BONN GROUP REPS ON MAY 14 REACHED AD REF AGREEMENT FOR RECOMMENDATION TO AUTHORITIES OF TEXT FOR REPLY TO SOVIET COMPLAINTS IN ALLIED CAPITALS REGARDING FRG ACTIONS IN THE LORENZ KIDNAPPING CASE IN BERLIN. SINCE PARIS TAKES VIEW THAT QUAI SEC GEN COURCEL (IN FOLLOW-UP CONTACT WITH SOVIET AMBASSADOR CHERVONENKO ON APRIL 8) CONFIDENTIAL

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PAGE 02 BONN 07810 01 OF 02 141909Z

REBUTTED THE SOVIET POINTS ON THE SPOT (SEE PARA 1

REFTEL A), FRENCH WILL HOLD PRESENT TEXT--WHEN AGREED BY CAPITALS--IN RESERVE FOR USE IF SOVIETS RETURN TO ISSUE WITH THEM. LONDON WILL USE TEXT FOR ORAL REPLY TO SOVIETS BUT, SINCE SOVIET AMBASSADOR LUNKOV DID NOT LEAVE "NON-PAPER" WITH MINISTER OF STATE IN FCO ENNALS ON APRIL 4, WILL NOT PASS COPY OF ALLIED REPLY TO SOVIETS. REGARDING PLACE AND LEVEL OF REPLY, ALL REPS EXPRESSED BELIEF THAT CAPITALS WERE MOST APPROPRIATE, AND THAT LEVEL COULD BE REDUCED SOMEWHAT FROM THAT OF SOVIET DEMARCHES.

2. BEGIN TEXT.

1. WITH REFERENCE TO THE ORAL STATEMENT MADE BY A REPRESENTATIVE OF THE SOVIET EMBASSY ON 4 APRIL IN CONNECTION WITH THE KIDNAPPING OF MR. PETER LORENZ, CHAIRMAN OF THE WEST BERLIN BRANCH OF THE CHRISTIAN DEMOCRATIC UNION, I WISH TO INFORM YOU OF THE FOLLOWING:

2. IN THE STATEMENT, THE SOVIET AUTHORITIES APPEARED TO BE ASSERTING THAT, BECAUSE THE KIDNAPPING TOOK PLACE IN THE WSB, IT WAS SOMEHOW IMPROPER FOR FRG OFFICIALS TO BE INVOLVED IN THE MATTER IN ANY WAY. THIS ASSERTION IGNORES THE FACT THAT THE KIDNAPPERS PLACED DEMANDS NOT ONLY ON BERLIN AUTHORITIES BUT ALSO ON THE GOVERNMENT OF THE FRG AND THAT CO-ORDINATED DECISIONS WERE THEREFORE REQUIRED TO SECURE THE SAFE RELEASE OF MR. LORENZ. MOREOVER, IN MAKING THE RELEASE OF CRIMINALS IN PRISONS IN THE WSB AND THE FRG A CONDITION OF MR. LORENZ'S RELEASE, THE KIDNAPPERS VIOLATED LAWS APPLICABLE BOTH IN THE WSB AND IN THE FRG. IT WAS THUS ESSENTIAL TO HAVE THE CLOSEST POSSIBLE COORDINATION AND COOPERATION AMONG THE FEDERAL GERMAN AUTHORITIES, THE BERLIN AUTHORITIES, AND THE ALLIES. THE SOVIET AUTHORITIES APPEAR TO HAVE MISUNDERSTOOD SUCH CONTINUING COORDINATION AND

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PAGE 01 BONN 07810 02 OF 02 141914Z

53

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C O N F I D E N T I A L SECTION 02 OF 02 BONN 07810

COOPERATION AS ACTS IN THE EXERCISE OF DIRECT STATE AUTHORITY BY FRG OFFICIALS OVER THE WSB. NO SUCH ACTS HAVE OCCURRED; THE ROLE OF THE FEDERAL GERMAN AUTHORITIES WAS FULLY CONSISTENT WITH ALL PROVISIONS OF THE QA INCLUDING SPECIFICALLY PART II B.

3. FOR EXAMPLE, AS REGARDS THE ROLE OF THE FEDERAL PROSECUTOR, I REFER YOU TO THE STATEMENT ON THIS SUBJECT MADE BY THE BERLIN SENAT ON MARCH 8, 1975. AS REGARDS THE SOVIET REFERENCE TO THE POLICE REINFORCEMENTS WHICH WENT TO BERLIN FROM A NUMBER OF LAENDER POLICE FORCES, THESE POLICE REINFORCEMENTS WERE SENT TO BERLIN AT THE REQUEST OF THE WEST BERLIN AUTHORITIES AND THEIR PRESENCE THERE WAS APPROVED BY THE ALLIED AUTHORITIES. THEY WERE PLACED UNDER THE DIRECT COMMAND OF THE WEST BERLIN AUTHORITIES AND WERE, THEREFORE, SUBJECT TO ALLIED CONTROL. WHILE IN BERLIN THEY WERE NOT AT ANY TIME SUBJECT TO THE CONTROL OF THE FEDERAL GERMAN AUTHORITIES.

4. THE AUTHORITIES OF THE THREE POWERS TOOK GREAT CARE TO ENSURE, IN A DIFFICULT AND EXCEPTIONAL CONFIDENTIAL

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PAGE 02 BONN 07810 02 OF 02 141914Z

SITUATION, THAT THE PROVISIONS OF THE QA WERE FULLY OBSERVED. THEY WILL, OF COURSE, CONTINUE TO DO SO. END TEXT.

3. COMMENT AND ACTION REQUESTED: RECOMMEND DEPARTMENT APPROVE TEXT. REGARDING MODALITIES, WE SEE NOTHING WRONG WITH DEPARTMENT OFFICIAL PASSING TEXT AS "NON-PAPER" AT TIME REPLY MADE. REDUCING THE LEVEL OF THE RESPONSE APPEARS CONSISTENT WITH WHAT VORONTSOV WAS TOLD ON APRIL 4 (PARA 3 REFTTEL C) AND WE SUGGEST THAT THIS BE DONE. SO FAR AS THE FRENCH POSITION IS CONCERNED, WE WOULD SEE CERTAIN ADVANTAGES IN THEIR MAKING RESPONSE TO SOVIETS IN PARALLEL WITH US AND THE BRITISH, BUT THE QUAI

APPEARS TO BE DUG IN AND OUR ESTIMATE IS THAT THEY WILL  
NOT BE MOVED ON THIS. REGARDING THE TEXT ITSELF, DELAY  
WAS OCCASIONED BY EFFORTS TO FIND FORMULATION WHICH WOULD  
SATISFY THOSE WHO DESIRED GENERAL REPLY AND THOSE WHO  
FAVORED VERY DETAILED POINT-BY-POINT RESPONSE. REPS ALSO  
BELIEVED THEY NEEDED TO BE MINDFUL OF WHAT HAD BEEN  
SAID BY COURCEL. WE BELIEVE TEXT IS A SOUND ONE AND  
RECOMMEND DEPARTMENTAL APPROVAL.  
HILLENBRAND

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## Message Attributes

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**Current Classification:** UNCLASSIFIED  
**Concepts:** LAW, KIDNAPPING, DIPLOMATIC PROTESTS  
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**Draft Date:** 14 MAY 1975  
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**Review Authority:** ElyME  
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**Subject:** SOVIET COMPLAINT ABOUT FRG ACTIVITIES IN BERLIN  
**TAGS:** PGOV, PFOR, WB, UR, US, UK, FR, GE, (LORENZ, PETER)  
**To:** STATE  
**Type:** TE  
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